

**260.640 Employment of inspectors -- Authority of inspectors -- Access by the department -- Licensees to keep records.**

- (1) The Commissioner may employ inspectors for the purpose of enforcing the provisions of the egg marketing law. These inspectors may examine any eggs offered or exposed for sale for human consumption at the times and places and in a manner as the Commissioner may direct.
- (2) The department shall have free access, at all reasonable hours when the business is open to the general public, to any establishment, premises, or building where eggs are processed, stored, or offered for sale, and to any vehicle used to transport or hold eggs, for the purpose of inspecting the establishment, premises, building, or vehicle or the eggs to determine compliance with the provisions of the Kentucky egg marketing law.
- (3) The department shall have free access at all reasonable hours when the business is open to the general public, to any restaurant kitchen, hotel kitchen, or kitchen of any other public eating place, including schools, hospitals, nursing homes, or other similar institutions, to determine compliance with the provisions of the Kentucky egg marketing law. If the inspector determines that inspected eggs fail to comply with the Kentucky egg marketing law or standards as established by USDA, the inspector shall take the necessary action and issue an advisory on proper procedures.
- (4) All licensees shall keep a record of all eggs handled during the license year, and any other records the department shall require. These records shall be available for examination by authorized agents of the department.
- (5) An inspector may, for the purpose of enforcing the Kentucky egg marketing law, break any form of sealing on any case or retail container. If a broken seal necessitates the repacking of the cases or containers, the original packer shall absorb all expenses involved.
- (6) A carton of eggs with any existing conditions as designated in paragraphs (a) to (d) of this subsection shall be removed from a retail display on a daily basis.
  - (a) Cracked eggs;
  - (b) Leaking eggs;
  - (c) Frozen eggs; or
  - (d) A combination of any of the above.
- (7) The retailer may not rework or repack eggs into full cartons. This process may only be done by the original packer. A retailer may, however, sell an incomplete dozen provided that the quantity labeling on the carton is changed to reflect the number of eggs in the carton.
- (8) The inspector shall, for the following cause, remove shell eggs or egg products from sale by issuing a withdraw from sale order:
  - (a) Ambient temperature above forty-five (45) degrees Fahrenheit for a period of four (4) hours or more; or
  - (b) Contamination or any condition which may render the shell eggs or egg products unfit for human consumption.

Shell eggs or egg products shall be released from the withdraw from sale order only under authorization or the direct supervision of the department as stated in the disposition section of the order.

**Effective:** June 20, 2005

**History:** Amended 2005 Ky. Acts ch. 40, sec. 5, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 208, sec. 7, effective July 15, 1998. -- Created 1956 Ky. Acts ch. 121, sec. 11, effective January 1, 1957.